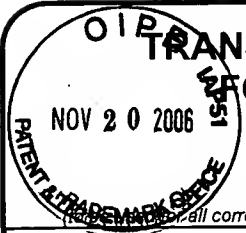


EDAF

	Application Number	09/993,906	
	Filing Date	November 27, 2001	
	First Named Inventor	Jax B. Cowden	
	Art Unit	2151	
	Examiner Name	Divecha, Kamal B	
Total Number of Pages in This Submission	7	Attorney Docket Number	10005.000120

ENCLOSURES (check all that apply)		
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Signature	<i>Patrick D. Benedicto</i>		
Printed Name	Patrick D. Benedicto		
Date	November 15, 2006	Reg. No.	40,909

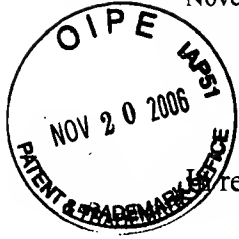
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Docket No. 10002.000120
Reply Brief
November 15, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Jax B. Cowden et al.

Application No.: 09/993,906 Examiner: Divecha, Kamal B.

Filing Date: November 27, 2001 Art Unit: 2151

Assignee: Claria Corporation

Title: METHOD AND APPARATUS FOR DISTRIBUTING A COMPUTER
PROGRAM

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF FILED UNDER 37 C.F.R. § 41.41

Sir:

This reply brief is responsive to the Examiner's Answer mailed October 4, 2006, and follows the Appeal Brief filed by Applicants on July 7, 2006.

It is believed that no additional fee is required. If for any reason an insufficient fee has been paid or additional fees are required, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

REMARKS

This reply brief responds to the contentions in the Examiner's Answer. Detailed explanations why the pending claims are patentable over the references of record are provided in the Appeal Brief, and not repeated here in the interest of clarity and brevity.

I. RESPONSES

A. CLAIMS 1, 4, and 7

Claims 1, 4, and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over InfoWorld (InfoWorld Publishing, "Release Software and Demo 97 DemoLetter to Provide Real Demos online," pp. 1-2, February 1997) ("InfoWorld") in view of Quarterdeck ("CleanSweep 95 Reviewer's Guide," dated 10/30/2001). The rejection is respectfully traversed.

1. The claims and disclosure recite "usefulness," not "recommendation."

The Examiner's Answer argues that claims 1, 4, and 7 merely pertain to "a recommendation that recommends the program to the user." Applicants respectfully disagree with the use of the term "recommendation" in place of what is actually recited in the claims, which is "reminding the user of the usefulness of the computer program." As noted in the Examiner's Answer, page 30, lines 12-17 of the disclosure reads:

An example message box that may be displayed to the user may read:

"You have received 2 bad windows since you started browsing today. I can make bad windows automatically disappear so they can't bug you. Press the ACTIVATE button to say goodbye to bad windows."

Note that the message box specifically indicates to the user what the program has detected as being received in the computer and could block: **2 bad windows**. That is, the program informs the user that it detected bad windows being received in the computer while the user is browsing. The example message box does not simply recommend the program as the Examiner's Answer argues. The example message box informs the user what the computer program has already performed, which is detection of bad windows.

In contrast, Quarterdeck, being a conventional uninstaller, does not and cannot remind the user of how useful any of the programs to be deleted are. Quarterdeck, like any conventional uninstaller, merely identifies a computer program but has no clue as to how useful the computer program has been. Contrary to the Examiner's Answer, "useful" is a common word in the English language and merely refers to something that may be used advantageously. Quarterdeck has no way of determining whether a program has been useful to the user as it is not associated with the programs it is uninstalling – Quarterdeck is a **generic** uninstaller.

B. CLAIMS 3 and 9

Claims 3 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over InfoWorld in view of Quarterdeck and further in view of U.S. Patent No. 5,996,011 to Humes ("Humes"). The rejection is respectfully traversed.

1. Humes does not disclose detection and tracking of types of windows

The Examiner's Answer seems to be confusing "mechanism for presenting information" (i.e., container of information) from the "information" itself. A window is a mechanism for **presenting** information, as are the example presentation mechanisms in the disclosure: message boxes, dialog boxes, text boxes, and banners. Boxes can present messages (information) and banners can present web pages (information). Note, however, that what is being presented (the information) is not the mechanism for presenting. It is thus respectfully submitted that the disclosure uses the term "window" consistently and in accordance with common usage.

The Examiner's Answer incorrectly argues that a web page is a window. A web page may contain information but cannot be used to present the information to the user. A web page needs a mechanism to present it to the user -- a web browser (a window). A web page comprises HTML code that the user cannot see unless presented by the web browser. Humes can detect HTML content, but Humes cannot detect and track the type

of window used to present the content. In fact, Humes only discloses one type of window -- the web browser window used by the user for navigation.

Even in the improper construction that content is “a window” (it is not), Humes does not teach or suggest informing the user of the number of “types of websites or web pages” that have been filtered. Examiner’s Answer argues that Humes discloses informing the user of the number of types of websites or web pages, citing to Hume’s col. 7, lines 55-65 for support. That portion of Humes, however, talks about scores for a **single web page**. Humes scores different categories of **languages**, not categories of web pages or web sites. That is, Humes does not inform the user of the **number of types of websites or web pages** as the forbidden page is for a single web page (not a number of web pages).

2. There is no suggestion or motivation to combine Humes with InfoWorld and Quarterdeck.

Quarterdeck is a stand alone generic uninstaller: Quarterdeck does not run the programs it is uninstalling. Since Quarterdeck does not run any program it is uninstalling and thus cannot access Humes’ scores, the offered motivation, which is “tracking the total score of the filtered windows for informing the user by displaying the forbidden page that includes the total score,” has no reasonable support. The Examiner’s Answer points to Humes col. 6, lines 15-17 for support but that portion of Humes only talks about the score, not displaying the score to the user during an uninstall. Informing the user of the efficacy of a computer program during uninstall is disclosed in the present application, not in any of the references of record. It is thus respectfully submitted that the offered motivation hints of hindsight reconstruction using the present application as a blueprint.

C. CLAIMS 6 and 8

Claims 6 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over InfoWorld in view of Quarterdeck and further in view of Humes.

As explained above in regard to claims 3 and 9, Humes cannot detect and type windows. Therefore, Humes cannot possibly block windows.

D. CLAIM 5

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over InfoWorld in view of Quarterdeck and further in view of Cinecom, document #1043564 (“Cinecom”).

The Examiner’s Answer notes that: “It’s very well known in the art that downloading a full version of the software technically involves downloading components of the software as a full version, in a single download session, for example: downloading a file with a .exe extension. Such a file is a combination of the plurality of components of the software, application, or the file.” This response, however, ignores the fact that claim 5 requires providing components of the partially disabled computer program already in the computer and after the user accepts the offer, as required by claim 1. Claim 5 thus require three essential steps: 1) presence of the partially disabled computer program in the computer prior to acceptance by the user, 2) acceptance by the user, and 3) then providing additional components of the computer program after acceptance by the user. The computer program is thus downloaded in two stages with an offer and acceptance in between. In contrast, Cinecom merely discloses downloading of **complete** full or trial versions of computer programs. Cinecom does not teach or suggest downloading of components of a computer program in between offer and acceptance of the computer program.

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Docket No. 10002.000120
Reply Brief
November 15, 2006

II. CONCLUSION

For at least the above reasons, allowance of claims 1 and 3-9 is respectfully requested.

Respectfully submitted,
Jax B. Cowden et al.

Patrick D. Benedicto

Dated: NOV. 15, 2006

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